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*Admitted only in Maryland *Admitted only in Virginia •Practice Limited to Federal Agencies

September 2, 2004

WRITER'S DIRECT NUMBER: (202) 772-8645 INTERNET ADDRESS: JASONE@SKGF.COM

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Art Unit 2877 Mail Stop Amendment

Re:

U.S. Utility Patent Application

Application No. 10/786,361; Filed: February 26, 2004

For: Method and Apparatus for Characterization of Optical Systems

Inventor: Matthew E. Hansen Our Ref: 1857.1460001

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. PTO Fee Transmittal (Form PTO/SB/17);
- 2. First Supplemental Information Disclosure Statement;
- 3. Form PTO-1449 (2 pages) listing the cited documents;
- 4. Copies of the cited documents (3 references);
- 5. Credit Card Payment Form (PTO-2038) and
- 6. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents September 2, 2004 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg

Attorney for Applicant Registration No. 43,447

JDE/lvt 260712_1.DOC

PTO/SB/17 (10-03)
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Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

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Co	omplete if Known
Application Number	10/786,361
Filing Date	February 26, 2004
First Named Inventor	Matthew E. Hansen
Examiner Name	H. Lee
Art Unit	2877
Attorney Docket No.	1857.1460001

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)					
Check X Credit card Money X Other** None	ne 3. ADDITIONAL FEES					
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Deposit Account: the fees to Deposit Acct. No. 19-0036.				Fee	Fee Description	ļ
Deposit Account 19-0036		,		• • •	·	Fee Paid
Number Deposit			2051		Surcharge - late filing fee or oath	
Account Sterne, Kessler, Goldstein & Fox P.L.L.C.	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	<u> </u>
Name The Director is authorized to: (check all that apply)	1053	130	1053	130	Non-English specification	 '
Charge fee(s) indicated below Credit any overpayments	1812 2	≥,520	1812	2,520	For filing a request for ex parte reexamination	Щ′
Charge any additional fee(s) or any underpayment of fee(s)	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	<u> </u>
Charge fee(s) indicated below, except for the filing fee	1805 1	1,840*	1805	1,840*	Requesting publication of SIR after	[]'
to the above-identified deposit account.					Examiner action	
FEE CALCULATION	1251	110	2251	55	Extension for reply within first month	
1. BASIC FILING FEE	1252	420	2252	210		 '
Large Entity Small Entity	1253	950	2253		Extension for reply within third month	
Fee Fee Fee Fee Fee Paid Fee Paid Code (\$) Code (\$)	1254 1	,480	2254	740	Extension for reply within fourth month	
1001 770 2001 385 Utility filing fee	1255 2	1			Extension for reply within fifth month	
1002 340 2002 170 Design filing fee	1401	330	2401		Notice of Appeal	 '
1003 530 2003 265 Plant filing fee	1402	330	2402	165	Filing a brief in support of an appeal	 '
1004 770 2004 385 Reissue filing fee	1403	290	2403	145	Request for oral hearing	
1005 160 2005 80 Provisional filing fee	1451 1	,510	1451	1,510	Petition to institute a public use proceeding	
SUBTOTAL (1) (\$)	1452	110	2452	55	Petition to revive - unavoidable	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1453 1	,330	2453	665	Petition to revive - unintentional	<u> </u>
Fee from	1501 1		2501	665	Utility issue fee (or reissue)	
Extra Claims below Fee Paid		480	2502	240		
Independent - 20	1503	640	2503	320	·	
Claims 3 **= X =	1460	130	1460	130	Petitions to the Commissioner	——
	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
Large Entity Small Entity Fee Fee Fee Fee Fee Description	1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
Code (\$)	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3	1809	770	2809	385		
1203 290 2203 145 Multiple dependent claim, if not paid	1810	770	2810	385	For each additional invention to be	
1204 86 2204 43 ** Reissue independent claims over original patent	1801	770	2801	385	examined (37 CFR 1.129(b)) Request for Continued Examination (RCE)	
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802	900	1802	900	, ,	
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SUBTOTAL (2) (\$)	3	٠.		Filing F	ee Paid SUBTOTAL (3)	180.00

(Complete (if applicable)) SUBMITTED BY Registration No. Name (Print/Type) Telephone (202) 371-2600 43,447 Eisenberg (Attorney/Agent) Signature

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



In re application of:

Matthew E. Hansen

Appl. No.: 10/786,361

Filed: February 26, 2004

For: Method and Apparatus for Characterization of Optical

Systems

Confirmation No.: 3420

Art Unit: 2877

Examiner: H. Lee

Atty. Docket: 1857.1460001

First Supplemental Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Information Disclosure Statement filed on February 26, 2004 in connection with the above-captioned application.

Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this
 Information Disclosure Statement was cited in a communication from a foreign
 patent office in a counterpart application and this communication was not
 received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty
 days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2). C. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p). 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign

application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than

three months prior to the filing of this Information Disclosure Statement.

37 C.F.R. § 1.97(e)(2).

∑ 5. The documents were cited in a search report (reference AR2) by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

6. A concise explanation of the relevance of the non-English language document(s) appears below:

∇ 7. Copies of the documents are submitted herewith.

8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No.______, filed

Matthew E. Hansen Appl. No. 10/786,361

- 5 -

_____, which is relied upon for an earlier filing date under 35 U.S.C.

§ 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

9. No copies of U.S. patents and patent application publications cited on the

attached Form PTO-1449 are submitted in accordance with 1276 OG 55 because

this application was filed after June 30, 2003.

10. It is expected that the examiner will review the prosecution and cited art in the

parent application no(s). 09/339,506 in accordance with MPEP 2001.06(b), and

indicate in the next communication from the office that the art cited in the earlier

prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the

enclosed PTO-1449, and indicate in the official file wrapper of this patent application

that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee

deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg

Attorney for Applicant

Registration No. 43,447

Data

1100 New York Avenue, N.W. Washington, D.C. 20005-3934

(202) 371-2600

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							Page 1 of 2	
•				ATTY. DOCKET NO. APPLICATION NO. 1857.1460001 10/786,361				
FORM PTO-1449			FIRST NAMED INVENTOR					
			Matthew E. Hansen FILING DATE ART UNIT					
				February 26, 2004 2877				
U.S. PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE	
	AA1							
OIPE	AB1							
SFP 0 2 2004 u	AC1							
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1	AF1	2002-0021460A1	02/21/2002	Hansen				
	AG1	2004-0001192A1	01/01/2004	Lyons et al.				
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EXAMINER		DOCUMENT						
INITIAL		NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION Yes	
	AL1						No Yes	
	AM1						No Yes	
	AN1	EP 0 628 806 A2	04/28/1994	Europe			No	
	AO1						Yes No	
	AP1						Yes No	
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EXAMINER : Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance								
and not considered. Include copy of this form with next communication to Applicant.								

		Page 2 of 2
	ATTY. DOCKET NO. 1857.1460001	APPLICATION NO. 10/786,361
FORM PTO-1449	FIRST NAMED INVENTOR	
	Matthew E. Hansen	
INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
	February 26, 2004	2877

U.S. PATENT DOCUMENTS									
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	AL2		-					Yes No	
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	AN2							Yes No	
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	AO2	-						No Yes	
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	AR	2	Copy of European Search Report for European Appln. 00112970.9 mailed April 14, 2004.						
	AS	2	J.P. Kirk and C.J. Progler, "Application of Blazed Gratings for Determination of Equivalent Primary Azimuthal Aberrations", March 1999, Optical Microlithography XII, vol. 3679, pp. 70-76.						
	АТ	2							
EXAMINER		<u> </u>				DATE	CONSIDERED		